

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                    Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the Matter of the Application of Fiber        )  
Communications of Columbus LLC Filing        )        Docket No. 14-FCCC-462-VSA  
for Kansas Video Service Authorization.        )

**ORDER GRANTING VIDEO SERVICE AUTHORIZATION**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On November 3, 2014, Fiber Communications of Columbus LLC (Fiber) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2013 Supp. 12-2023 and K.A.R. 82-15-1.

2.        K.S.A. 2013 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. At pages 1 and 2 of its Report and Recommendation attached to this Order, the Commission Staff (Staff) sets forth in detail the showings applicants must make with regard to applications for video service authorization, and the same are adopted herein by reference. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3.        On November 26, 2014, Staff filed its Report and Recommendation dated November 25, 2014, recommending the Commission grant Fiber the requested VSA. According to Staff, Fiber seeks to add additional territory to an existing service area footprint and to serve the cities of Baxter Springs and Lowell, including unincorporated areas adjacent to or connected with an incorporated area, Cherokee County, Kansas. Staff states that Fiber is properly

registered with the Kansas Secretary of State's office as a limited liability company and that the company's status with that office is *active and in good standing*. Staff further states that Fiber is registered with the Federal Communications Commission (FCC) as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID#</u>
City of Baxter Springs, Kansas	KS0826
City of Lowell, Kansas	KS0827
(including unincorporated areas adjacent to or connected with an incorporated area)	

Staff indicates its verification of the foregoing Community Unit Identification Numbers via the FCC's Media Bureau website, <http://www.fcc.gov/mb/engineering/liststate.html>. By initialing, Fiber has previously agreed to comply with all applicable federal and state statutes and regulations regarding the use and occupation of public rights-of-way in the delivery of video services, including the police powers of the municipalities in which the service is delivered. (Initial Application, Item #5).

4. According to Staff, Fiber was previously granted authority for the service area City of Galena/Riverton. The instant Application seeks authority to serve additional rural areas adjacent to Galena/Riverton described as follows:

Township 34S, Range 25E, Sections 1, 2, 3, 4, 5, 6, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 31, 32, 33, 34, 36, and 37, Cherokee County, Kansas

Staff states that the foregoing sections will be added to the service area footprint previously approved in this docket and identified as: Galena/Riverton, GLRV-01-FCCC-01. Fiber's Application seeks additional service area footprints for the cities of Baxter Springs and Lowell, Kansas, and unincorporated areas adjacent to or connected with the incorporated areas, Cherokee County, Kansas, described as follows:

Township 33S, Range 24E, Sections 35 and 36

Township 33S, Range 25E, Sections 31, 32, 33, 34, 35, and 36  
Township 34S, Range 24E, Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36  
Township 35S, Range 24E, Sections 1, 2, 11, 12, 13, and 14  
Township 35S, Range 25E, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,  
and 18  
Township 34S, Range 25E, Sections 29 and 30  
Township 35S, Range 25E

The description is on file with the Commission in this docket and has been provided electronically in a format compatible with the Commission's mapping system. Fiber states that it will be able to provide service to 100% of the households encompassed in that area within five (5) years of the date the Commission grants the company's Application. For ease of future reference, Staff identifies the proposed new service area footprints as follows: Baxter Springs, BXSP-02-FCCC-01 and Lowell, LOWL-03-FCCC-01. Concluding, Staff recommends the Commission grant Fiber's Application and approve the company's proposed additional service areas to its existing Galena/Riverton footprint and the new service area footprints to be identified and known as Baxter Springs, BXSP-02-FCCC-01 and Lowell, LOWL-03-FCCC-01. Report and Recommendation at page 3.

5. The Commission adopts Staff's analysis and recommendation of November 25, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part of this Order by reference, and finds that Fiber's Application should be granted and the requested service area footprints approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of Fiber Communications of Columbus LLC requesting state-issued Video Service Authorization is hereby granted and the requested service areas for addition to the Galena/Riverton footprint, GLRV-01-FCCC-01, and the new service area footprints to be identified and known as Baxter Springs, BXSP-02-FCCC-01 and Lowell, LOWL-03-FCC-01 are

hereby approved. The Video Service Authorization granted herein shall become effective as of the date of this Order.


B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: DEC 02 2014

  
ORDER MAILED DEC 03 2014  
Thomas A. Day  
Acting Executive Director

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**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Kelly Mabon, Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** November 25, 2014

**SUBJECT:** Docket No. 14-FCCC-462-VSA  
In the Matter of the Application of Fiber Communications of Columbus,  
LLC Filing for Kansas Video Service Authorization.

**EXECUTIVE SUMMARY:**

On November 3, 2014, Fiber Communications of Columbus, LLC filed an Amended Application for state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. On November 12, 2014, a check for the filing was received. Staff recommends approval of this Application.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Friday, December 12, 2014.**

**BACKGROUND:**

K.S.A. 12-2023 gives the Commission the authority to review applications for those entities who desire to provide cable service or video service in the state of Kansas.

The Commission must review an application for a video service authorization (VSA) to determine whether:

- 1) The applicant identified the location of its principal place of business and the names of its principal executive officers;
- 2) The applicant has filed or will file all forms required by the Federal Communications Commission (FCC) before offering video service in Kansas;

- 3) The applicant has agreed to comply with all applicable federal and state statutes and regulations;
- 4) The applicant has agreed to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the municipalities in which the service is delivered; and
- 5) The applicant has described the service area footprint to be served within Kansas and provided the period of time, not to exceed five years, in which the applicant will be capable of providing video service to all households in the service area footprint, and a general description of the type or types of technologies the applicant will use to provide the video programming.

These showings by the applicant are to be made in the form of an affidavit signed by an officer or general partner of the applicant. Upon proper showing, the Commission shall approve the VSA.

#### **ANALYSIS:**

The Applicant has identified its principal place of business as 224 South Kansas Avenue, Columbus, Kansas, and provided the Company's key personnel contacts for Regulatory and Application matters.

The Applicant is properly registered with the Kansas Secretary of State's Office as a Limited Liability Company. Its current status with the Secretary's office is "Active and in Good Standing."

The Applicant is registered with the FCC as a Cable System Operator, as follows:

<u>Community Served</u>	<u>CUID #</u>
Baxter Springs	KS0826
Lowell	KS0827

(including unincorporated areas adjacent to or connected with an incorporated area)

Staff has verified the above Community Unit Identification Number (CUID) via the FCC's Media Bureau's web site, <http://www.fcc.gov/mb/engineering/liststate.html>.

By initialing, the Applicant has previously<sup>1</sup> agreed to comply with all applicable federal and state statutes and regulations and agrees to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of video services, including the police powers of the municipalities in which the service is delivered. (Application item #5).

The Applicant was previously granted authority for the service area; the City of Galena/Riverton. This Application seeks to serve additional rural areas adjacent to Galena/Riverton as follows:

Township 34S, Range 25E, Sections 1, 2, 3, 4, 5, 6, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 31, 32, 33, 34, 36, and 37

These sections will be added to the service area footprint previously approved in this Docket and identified<sup>1</sup> as: Galena/Riverton, GLRV-01-FCCC-01.

The Applicant is seeking additional service area footprints for the cities of Baxter Springs and Lowell, Kansas, and unincorporated areas adjacent to or connected with the incorporated area in Cherokee County in Kansas as follows:

Township 33S, Range 24E, Sections 35 & 36

Township 33S, Range 25E, Sections 31, 32, 33, 34, 35, and 36

Township 34S, Range 24E, Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36

Township 35S, Range 24E, Sections 1, 2, 11, 12, 13, and 14

Township 35S, Range 25E, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18

Township 34S, Range 25E, Sections 29 & 30

Township 35S, Range 25E

That description is on file with the Commission in this Docket and has been provided electronically in a format compatible with the Commission's mapping system. The Company states that it will be able to provide service to 100% of the households encompassed in that area within five years of the date the Commission grants the Application.

For ease of future reference, Staff is identifying the new proposed service area footprints, as follows: Baxter Springs, BXSP-02-FCCC-01 and Lowell, LOWL-03-FCCC-01.

### **RECOMMENDATION:**

Staff recommends Commission approval of this Application to add the proposed service areas to the existing Galena/Riverton footprint and add additional service area footprints to be identified and known as Baxter Springs, BXSP-02-FCCC-01 and Lowell, LOWL-03-FCCC-01.

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<sup>1</sup> For ease of future referencing, staff assigns a four field footprint number using the following convention: ABCD-xx-EFGH-yy, where ABCD is the four character abbreviation of the major city encompassed by the service area, xx is a two digit sequentially assigned number of the provider's service areas, EFGH is the four alpha character company code and yy indicating the version of the company's footprint where 01 is the initial version, 02 the first revision, etc.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
PATRICIA CARROLL, GENERAL MANAGER COLUMBUS TELEPHONE CO. INC. 224 S KANSAS AVE COLUMBUS, KS 66725		
MARK DOTY GLEASON & DOTY CHTD 401 S MAIN ST STE 10 PO BOX 490 OTTAWA, KS 66067-0490		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		

ORDER MAILED DEC 03 2014

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.